THE HON'BLE SRI JUSTICE T.CH.SURYA RAO

AND

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

Writ Petition No.20851 of 1999

(per the Hon'ble Sri Justice T.Ch.Surya Rao)

Dated 28th August, 2006

Between:

V.V.Yugandhar, S/o late V.V.Ramanaiah,
Aged about 25 years, R/o Versova, Mumbai .. Petitioner

and

The Special Tribunal under the Land
Grabbing (P) Act-cum-District Judge,
City Civil Court, Hyderabad and another ..
Respondents

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AND

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ORDER:

The grievance of the petitioner seems to be that an ex parte decree was passed in O.P.No.118 of 1990 by the learned Special Tribunal under the Land Grabbing (Prohibition) Act-cum-District Judge, City Civil Court, Hyderabad, filed against his mother and that no notice was served upon the respondent, his mother, nor upon himself and the ex parte decree obtained in O.P.No.118 of 1990 is now being sought to be implemented by issuing the requisite Notice under Rule 15 against the tenants, who are in occupation of the premises and that after having come to know the same, when the petitioner approached the Special Tribunal by filing an application seeking to set aside the ex parte decree and seeking stay separately, those two applications have been kept pending without passing necessary orders therein, and it necessitated the petitioner to approach this Court.

Although the writ petition has been filed way back in the year 1999, because of the stay granted in it, the proceedings before the Tribunal could not be taken up. It is expedient in the interest of justice to dispose of the present writ petition with a direction to the Tribunal to dispose of the two applications filed by the petitioner herein; one, seeking to set aside the ex parte order in O.P.No.118 of 1990 and

another seeking stay, as early as possible. It may be made clear that the tenants of the petitioner are in occupation of the premises even when the cognizance was taken by the Special Tribunal in O.P.No.118 of 1990. It is obligatory on the part of the Tribunal to issue notice in Form II-B by means of publication in the A.P. Gazette, after taking such cognizance of the case, as can be seen from Rule 7 of the A.P. Land Grabbing (Prohibition) Rules, 1988. Sub Rule (2) of Rule 8 further says that the Tribunal shall give notice in Form III-B to the persons known or believed to be interested in the land. When the premises has been in the occupation of the tenants, the owner of the premises shall have to be proceeded against. It is represented by the learned counsel for the writ petitioner that no notice has been served upon his mother, nor upon himself and notice seems to have been affixed on the door, which is no effective service. This fact shall have to be taken into consideration by the Tribunal.

The Writ Petition is disposed of, accordingly, with the said observation. The stay continues till such time the two applications filed by the petitioner are disposed of. No order as to costs.

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T.CH.SURYA RAO, J.

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G.CHANDRAIAH, J.

28th August, 2006.

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